

Remarks

Claims 5 and 6 are presently pending.. Claims 1-4 have been rejected. Claims 1-4 have been canceled. New claims 5-6 have been added.

Previous correspondence in this case can be characterized as quibbling over the structural similarities or distinguishing structural differences between Applicant's invention and the cited references. Such correspondence has entirely missed the point. In particular, Applicant's invention is conceptually unlike any of the cited references. Accordingly, apparatus claims 1-4 have been cancelled, and method claims 5 and 6 have been added to more fully embrace the inventive concept. Claims 5 and 6 are fully supported by the entire specification and therefore contain no new matter.

The Examiner has rejected claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner asserts that the previous Office Action indicates that it was uncertain whether the Applicant was claiming the roof venting and cover assemblies in combination with the roof or the roof venting and cover assemblies for use with the roof. The Examiner notes that the Applicant stated that the claims were amended to reflect that only the roof venting

and cover assemblies were being claimed. However, the Examiner maintains that the scope of the claims remains unclear because the claims still claim the roof venting and cover assemblies as being attached to the roof. For example, the Examiner cites the language "wherein the narrow upper duct portion has an open upper end disposed within an opening in a roof" at lines 8 and 9 of claim 1. The Examiner contends that the phrase "disposed within" positively claims the roof. In addition, the Examiner states that if the Applicant does not want to positively claim the roof, the claim should read as follows: "wherein the narrow upper duct portion has an open upper end configured to be disposed within an opening in a roof" and that appropriate correction is required. Furthermore, the Examiner asserts that since the Applicant mentioned that he is only claiming the roof venting and cover assemblies, the claims will be examined in this manner.

Claims 1-4 have been cancelled. The Examiner's rejection has thus been obviated. Claims 5 and 6 have been added and recite methods for relieving pressure on a soffit positioned below a roof. Hence, it is now clear that methods, and not assemblies or any combinations therewith, are being claimed. Claims 5 and 6 fully comply with the requirements of 35 U.S.C. § 112, second paragraph.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 112, second paragraph, of claims 1-4, and enter the allowance of claims 5 and 6.

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,149,516 to Mantyla ("Mantyla") in view of U.S. Patent No. 5,815,996 to Granger ("Granger"). The Examiner maintains that Mantyla teaches a housing that includes a narrow upper duct portion 20, a wide lower scoop portion 36, the narrow upper portion having an open upper end, the lower portion having an open lower end, an openable lid or cover member 14 secured to the open upper end of the duct portion, a ventilation grate 30 secured over the open lower end of the lower portion, the cover member including a peripheral frame around the open upper end and the peripheral frame including a raised peripheral lip extending upwardly from the inner edge thereof. In addition, the Examiner contends that the frame has a flat portion that is in contact with the ceiling and a raised portion that extends from the flat portion against the ceiling. The Examiner acknowledges that Mantyla does not specifically disclose that the openable lid is hingedly coupled with the raised peripheral lip on the open upper end. Furthermore, the Examiner asserts that Granger discloses that it is known to provide an openable lid/cover 14 that is hingedly coupled with a vent opening of a roof ventilator.

Finally, the Examiner concludes that it would have been obvious to hingedly attach the cover/lid 14 of Mantyla to the peripheral lip because by doing so one could inspect the fan or interior of the duct if needed without having to disassemble the entire mounting structure.

As mentioned previously, such discussion is irrelevant to the patentability of the present invention, since claims 1-4 have been cancelled. The Examiner's rejection has thus been obviated. Moreover, claims 5 and 6 have been added and recite methods for relieving pressure on a soffit positioned below a roof.

While the Examiner makes the point that Mantyla and Granger disclose venting systems not unlike the Applicant's invention, it can be said that Mantyla and Granger are also not unlike most conventional vents. Like most conventional vents, however, Mantyla and Granger disclose systems that vent air from inside to inside a structure. This is where the Applicant's invention substantially departs from conventional vents. In particular, Applicant's invention is unique in that it vents between exterior regions of a building. It fulfills the unique purpose of reducing stress on the roof structure by venting air pressure build up beneath the roof soffit by equalizing pressure with the area above the roof soffit. For this reason, method claims 5 and

6 have been added to embrace "a venting method for relieving pressure on a soffit".

It is clear that the combined teachings of Mantyla and Granger do not render obvious the steps recited in the methods of claims 5 and 6. Mantyla describes a soffit vent apparatus for venting gases from an enclosure to the external environment. The apparatus of Mantyla is a conventional vent that vents air between interior and exterior spaces. Like any conventional vent, the apparatus of Mantyla merely transports air from inside a home to outside a home. Mantyla does not disclose the concept of venting air from outside a dwelling to outside a dwelling. It would be wholly ineffective if positioned directly below a roofline; there would be no significant reduction in the pressure exerted by winds on a soffit, as is achieved by the methods of the present invention. Hence, Mantyla provides a vent that operates very differently from the claimed methods of the present invention, which recite venting winds between the soffit exterior and the roof exterior in a building. Furthermore, Granger teaches an interior closure that is adapted to be positioned over a standard opening in a support structure such as a roof or wall. There is absolutely no disclosure in Granger or the cited prior art of the claimed method of the present application.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 103(a) of claims 1-4, and enter the allowance of claims 5 and 6.

In view of the foregoing amendments and remarks, reconsideration and allowance of the pending claims are respectfully solicited. Please remove the rejections of claims 1-4 under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 103(a), and enter the allowance of claims 5 and 6. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Richard W. Goldstein  
Registration No. 36,527  
Goldstein Law Offices, P.C.  
Attorneys for Applicant  
2071 Clove Road  
Staten Island, NY 10304  
(718) 727-9780

RWG/JRK/jrk